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**Safeguarding the Future: Reducing  
Obstetric Liability Risk**

August 18 & 19, 2010



**About KePRO**

- **Quality improvement and care management organization**
- **Founded in 1985; headquartered in Harrisburg, PA**
- **Works with HRSA on Medical Malpractice Claims Reviews and Risk Management Services under a contract initiated in 2004.**
- **Provides risk management and patient safety technical assistance to section 330 FTCA deemed Health Centers and Free Clinics.**

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[www.kepro.org](http://www.kepro.org)

## About ECRI Institute

- ▶ Independent, not-for-profit applied research institute focused on patient safety, healthcare quality, risk management
- ▶ Web site for HRSA grantees. Log in with user id and password at: **[www.ecri.org/clinical\\_RM\\_program](http://www.ecri.org/clinical_RM_program)**
- ▶ **Have not activated your User ID yet? E-mail us at: [clinical\\_RM\\_program@ecri.org](mailto:clinical_RM_program@ecri.org).**
- ▶ 40-year history, 320 person staff
  - AHRQ Evidence-Based Practice Center
  - WHO Collaborating Center
  - Federally designated Patient Safety Organization

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## Objectives

- ▶ Recall three high risk areas in obstetrical practice
- ▶ Recognize recommended practices for risk reduction and patient safety
- ▶ Identify ways to avoid communication failures that can lead to adverse obstetric outcomes
- ▶ Recognize strategies for improving perinatal safety in the office/clinic setting
- ▶ Identify documentation approaches to reduce litigation risk

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## Obstetrics: High Risk by the Numbers (and Dollars)

- ▶ Obstetricians - 91% have been sued for negligence (ACOG)
- ▶ Obstetric cases – highest \$\$ in damage awards of all specialties
- ▶ Multiple plaintiffs (mother and child, father)



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## PIAA Data Sharing Project

- ▶ >5,400 closed claims involving C-Sections (1985-2009)
- ▶ 38% paid with average indemnity \$541,883
- ▶ Claim frequency is declining but claim severity (average indemnity) is increasing



#



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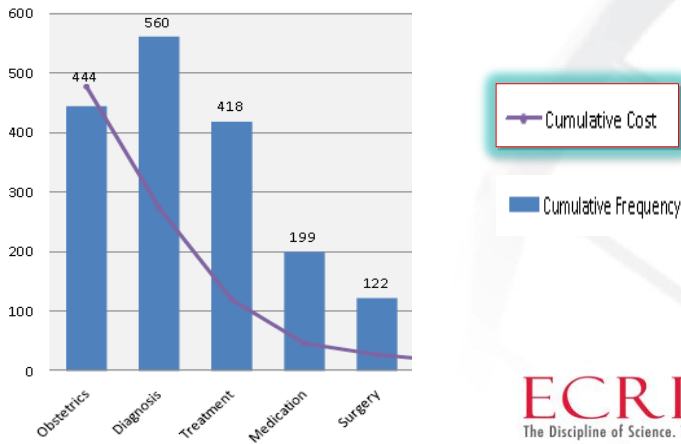
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## PIAA Data Sharing Project

- ▶ 49.4% of brain-damaged infant claims resulted in indemnity payment
- ▶ Claims for infant-brain damage resulted in the highest average indemnity payment.

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## FTCA Health Centers and Providers



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## Case Example Undiagnosed Group B Streptococcus

- ▶ Early rupture of membranes
- ▶ Antibiotics not given
- ▶ Allegations:
  - Neonate showed early signs of infection, traveled to brain
  - Permanent brain damage
- ▶ \$22.6 million judgment against federal government on behalf of the physicians; \$6.5 million settlement reached with the hospital

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## Highest Obstetrical Risk Areas (PIAA)

- ▶ Cesarean sections
  - Delays-brain damage
- ▶ Forceps deliveries
  - Neonatal injuries
- ▶ Shoulder dystocia
  - Identification and management



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## PIAA Claims: Associated Issues

- ▶ Consent issues, breach of contract or warranty
- ▶ Vicarious liability
- ▶ Problems with patients history, exam or work up
- ▶ Problems with records
- ▶ Communication between providers

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## Informed Consent—Ob/Gyn Claims

- ▶ 10% also involved a consent issue
- ▶ 42.6% claims involving a consent issue resulted in an (average) indemnity payment of \$153,000
- ▶ State law requirements for informed consent
- ▶ ACOG Ethics guideline for informed consent (Aug 2009)
- ▶ Institutional policy for procedures requiring informed consent (e.g. VBAC, primary elective cesarean section deliveries)

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## FTCA Health Centers and Providers Top 5 Obstetric-Related Incidents

- ▶ Improper management
- ▶ Improperly performed vaginal delivery
- ▶ Improper choice of delivery method
- ▶ Delay in performance\*
- ▶ Failure to identify fetal distress

\*"Other" category ranked 4<sup>th</sup> in the KePRO Medical Review and Risk Analysis Summary Annual Report HRSA FY 2009

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## Top Secondary Factors: FTCA Health Centers and Providers

- ▶ Training and lack of supervision
  - Electronic fetal monitoring
  - Shoulder dystocia; risk factor identification, release maneuvers, event documentation
  - Pre-eclampsia
- ▶ Lack of Effective Communication
  - Between primary care provider and OB/GYN specialist
  - Among hospital staff during labor and delivery

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## **Case – Delayed Response to Fetal Distress**

- ▶ Obese patient, para 4, pregnancy induced hypertension (controlled with atenolol), and gestational diabetes
- ▶ Admitted 3 cm; 50% effaced, -4 station
- ▶ Transverse lie, FHR 130/140; Epidural –vertex position, post ARM fluid clear; scalp electrode placed
- ▶ 12:30 pm. FHR 70; scalp pH ordered; OB decides C-section
- ▶ 12:40 FHR 110-120; scalp stimulation 130-140; cancelled C.
- ▶ 12:40 6-7 cm, 75% effaced, -3 station.

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## **Fetal distress**

- ▶ 1 pm. FHR dropped; C-ordered; FHR recovers; C-cancelled
- ▶ 1-3pm FHR increased; variable decelerations, patient repositioned; OB notified; RN worried, informs head nurse who confers with attending
- ▶ 4pm FHR baseline 180
- ▶ 4:20 pm FHR drops to 90s/variable decels. Attending tries to get scalp pH while FHR dropping with recurring deep decels.
- ▶ Attending unsuccessful; RN pages another OB, but unavailable

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## Fetal Distress

- ▶ 4:45 pm. Fully dilated; scalp pH severe acidosis
- ▶ Patient to OR for vaginal delivery; believes vaginal delivery will be faster than C, but declines vacuum assist.
- ▶ Vaginal delivery; tight double nuchal cord; Apgars 1, 3, 5.
- ▶ Ped resident transfers to ICU-blood cord pH 6.86
- ▶ Metabolic acidosis, hypoxemia, and DIC
- ▶ 5<sup>th</sup> day life support removed; Review: met ACOG criteria for acute intrapartum hypoxic event; autopsy – normal

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## Polling Question # 1

If your health center directly provides:

- ▶ Pre and post natal care only, press \* 1
- ▶ Complete obstetrical care through labor and delivery, press \*2
- ▶ Does not provide direct pre and post natal care, press \*3

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## Strategies for OB Risk Reduction

- ▶ Standardize process and procedures
- ▶ Create a culture of safety
  - Empower team members to intervene anytime patient safety is jeopardized
- ▶ View Cesarean delivery a process alternative
- ▶ Use unambiguous practice guidelines
- ▶ Conduct effective peer review

Clark S, et al. AJOG 2008 Aug 105.e1

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## Standardized Processes and Procedures

- ▶ Perinatal care “bundles”
  - Protocols for administration of oxytocin, misoprostol, and magnesium sulfate
- ▶ Operative Vaginal deliveries
  - Criteria for and proper use of vacuum extractor or forceps
- ▶ Shoulder dystocia
  - Identification, management (simulation drills), and documentation
- ▶ Fetal heart rate abnormalities
  - Guidelines for fetal assessment and provider response

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## Perinatal Care Bundles

- ▶ **Elective induction bundle**
  - Gestational age  $\geq 39$  weeks
  - Monitoring for normal fetal heart rate
  - Pelvic assessment
  - Monitoring and management of tachysystole
- ▶ **Augmentation Bundle**
  - Documented estimated fetal weight
  - Monitoring for normal fetal heart rate
  - Pelvic assessment
  - Monitoring and management of tachysystole



IHI perinatal improvement community:  
<http://www.ihi.org/IHI/Programs/Collaboratives/ImprovingPerinatalCare.htm>

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## References with samples

- ▶ Clark S, et al. Implementation of a conservative checklist-based protocol for oxytocin administration: Maternal and newborn outcomes. *Am J Ob Gyn* 2007;197:480e1-5.
- ▶ Clark S, et al. Improved outcomes, fewer cesarean deliveries, and reduced litigation: results of a new paradigm in patient safety. *Am J Ob Gyn* 2008 Aug.
  - Checklist-based protocol for administration of misoprostol in viable term fetuses
  - Checklist-based delivery note supplement for cases of shoulder dystocia
  - Recommended Magnesium Sulfate In-Use Checklist

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## Obstetric Patient Safety Strategy

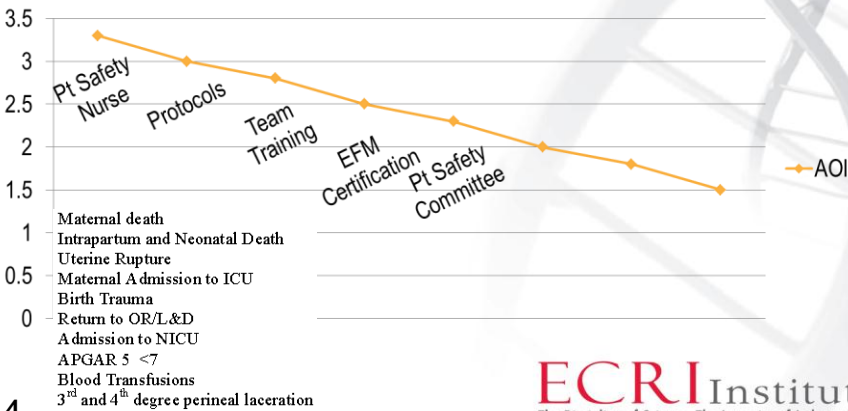
- ▶ Risk Assessment by outside experts
- ▶ Development of protocols and guidelines
- ▶ Patient safety nurse; obstetrical hospitalist (on call attending)
- ▶ Anonymous event reporting
- ▶ Obstetrical patient safety committee
- ▶ Safety culture survey, Team training
- ▶ Electronic Fetal Monitoring certification

Pettker C, et al. Impact of a comprehensive patient safety strategy on obstetric events. *Am J Ob Gyn* 2009 May

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## Three Year Trend Obstetrical Adverse Outcome Index



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## Operative Vaginal Deliveries

### ▶ Vacuum Delivery Bundle (IHI)

- Alternative labor strategies considered
- Prepared patient
  - Informed consent discussed and documented
- High probability of success
  - Estimated fetal weight, fetal position and station known
- Maximum application time and number of pop-offs predetermined
- Exit strategy available
  - Cesarean and resuscitation team available

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## Instrumented Delivery Protocol

- ▶ No vacuum applied for fetus prior to 36 weeks of gestational age
- ▶ No combined usage of forceps and vacuum unless clinically compelling and justified
- ▶ No more than 3 pop-offs or 20 minutes maximum total time of application

Mazza F., et al.: Eliminating birth trauma at Ascension Health.  
*Jt Comm J Qual Patient Saf* 33:15–24, Jan. 2007.  
Mazza et al. The road to zero preventable birth injuries. *Jt Comm J Qual Pat Safety* 2008 Apr;34(4):201-5.

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## Vacuum Assisted Delivery: Risk Reduction Strategies

- ▶ Supplement residency training with mentoring
  - Consider simulation
- ▶ Establish protocols, policies
  - Indications/contraindications, total time, max time/pressure, max # pops
  - Conduct teamwork drills to refine communication
- ▶ Use a practice “bundle”
- ▶ Standardize documentation
- ▶ Implement Audits

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## Documentation

- ▶ Indications for instrumented delivery
- ▶ Estimated fetal weight (EFW) relative to the size of the maternal pelvis
- ▶ Presentation and station of the fetal head
- ▶ Also:
  - Informed Consent
  - Ease of application, duration of traction and use
- ▶ CRM Resource: “Preventing Maternal and Neonatal Harm during Vacuum-Assisted Vaginal Delivery”

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# Shoulder Dystocia

- ▶ 4<sup>th</sup> most common cause of medical litigation for OB providers
- ▶ Reported incidence ranges from 0.2% to 3% of vaginal deliveries
- ▶ Mechanical causes
- ▶ Internal and/or external maneuvers by delivery provider required

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Table 2. Neonatal Injuries Associated with Shoulder Dystocia Reported to the Pennsylvania Patient Safety Authority, June 2004 through October 2008

NEONATAL INJURIES	NUMBER OF REPORTS	PERCENTAGE OF NEONATAL INJURIES (N = 124)	PERCENTAGE OF ALL SHOULDER DYSTOCIA REPORTS (N = 316)
Skeletal injuries (clavicular fracture, humeral fracture)	51	41%	16%
Decreased limb movement	31	25%	10%
Erb's palsy and brachial plexus injury	15	12%	5%
Crepitus	7	6%	2%
Cephalohematoma/subdural hemorrhage	4	3%	1%
Death	3	2%	1%
Other (audible pop or click, bruising, laceration)	63	51%	20%
Total (may have multiple, overlapping injuries)	174		

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## Shoulder Dystocia: Risk Factors

- ▶ Maternal risk factors
  - Gestational diabetes, obesity...
- ▶ Fetal risk factors
  - Macrosomia
- ▶ Clinically applied forces
  - Increased clinically applied traction during fetal manipulation
  - Use of forceps or vacuum extraction

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## Shoulder Dystocia Risk Management

- ▶ Identification and communication of patients at risk for shoulder dystocia prior to delivery
- ▶ Management to minimize potential injury to fetus and mother
  - Documentation and treatment upon discovery
- ▶ Interdisciplinary drills for care team that include application of external and internal maneuvers

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## Shoulder Dystocia: Clinical Management

- ▶ Identify risk factors, document and communicate!
  - Patient history
  - Glucose screening
  - Estimated fetal weight
- ▶ Recognize and intervene to relieve shoulder dystocia
  - Apply external/internal maneuvers: McRoberts, Rubin's, Woods, reverse Woods, delivery of posterior arm, "all fours"...
- ▶ Simulation Drills

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## Documentation

- |  |  |
|--|--|
| ▶ When/how shoulder dystocia diagnosed             | ▶ Duration of shoulder dystocia  |
| ▶ Progress of labor                                | ▶ Documentation of adequate pelvimetry before initiating labor induction or augmentation |
| ▶ Presence of the "turtle sign"                    | ▶ Neonatal and obstetric providers impressions of the neonate after delivery             |
| ▶ Position and rotation of the fetus's head        | ▶ Information given to the mother  |
| ▶ Presence of an episiotomy                        | ▶ Personnel involved in delivery   |
| ▶ Whether anesthesia was required                  |  |
| ▶ Estimated force and duration of traction applied |  |
| ▶ Order, duration, and results of maneuvers used   |  |

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## Improving Communication and Information Flow

- ▶ Teamwork and communication
  - In the office/clinic
  - In the hospital or other delivery facility
- ▶ Covering providers
- ▶ Antenatal/other records to delivery facility
- ▶ Obstetric-specific and general office safety resources at the clinical risk management Web site:
  - Self Assessment Questionnaire: Obstetrics
  - Guidance: Communication and patient safety

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## Protocols for Decision Support and Documentation

### Additional Web site Resources

#### Standards and Guidelines

- ▶ ACOG
  - Guideline: Management of Preterm Labor  
([http://www.guideline.gov/summary/summary.aspx?doc\\_id=3993&nbr=003130&string=preterm+AND+birth](http://www.guideline.gov/summary/summary.aspx?doc_id=3993&nbr=003130&string=preterm+AND+birth))
- ▶ CRICO/RMF Clinical Guidelines for Obstetrical Services
  - ([http://www.rmfm.harvard.edu/files/documents/obguide\\_09.pdf](http://www.rmfm.harvard.edu/files/documents/obguide_09.pdf))
- ▶ And many others...

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## Polling Question #2

- ▶ If there is one person in the room, press 1
- ▶ If there are two people in the room, press 2
- ▶ For 3, press 3
- ▶ For 4, press 4, etc.
- ▶ ...
- ▶ For 9 or more, press 9

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The image is a promotional graphic for the ECRI Institute. It features a young boy with dark hair, looking upwards and to the right, positioned on the left side. The background is divided into several geometric sections: a light gray top-left section, a dark gray bottom-left section, a white central section, and a large red section on the right. The ECRI Institute logo is in the top-left gray section. Contact information is centered in the white section.

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Additional Questions?  
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[www.ecri.org/clinical\\_RM\\_program](http://www.ecri.org/clinical_RM_program)

Thank You!